

Community Preservation Act Committee (CPAC)
Meeting Minutes
Wednesday, May 29, 2013

The meeting was called to order at 5:34 pm by Peter Jessop, Chair, in the Home Ec Room in the Middle School.

COMMITTEE MEMBERS IN ATTENDANCE:

Marilyn Blaustein, Paris Boice, Peter Jessop, Chair; Jim Oldham, Mary Streeter, Vice Chair

COMMITTEE MEMBERS ABSENT: Sandra Anderson, Ellen Kosmer, Stan Ziomek

STAFF / OTHERS IN ATTENDANCE: Sonia Aldrich, David Ziomek, TracyLee Boutilier, Janet McGowan, Barbara Ford, Jack Hirsch, Vince O'Connor, several others

DISCUSSION

Issues related to Town Meeting

Dave Ziomek updated us on Article 24C – the purchasing of South East Street lots and advised that we could reduce the amount of funds requested from \$125,000 to \$60,000 because there has been robust response to South Amherst Conservation Association's and Kestrel Land Trust's requests for donations for this project. To date \$76,000 has been raised privately. Kestrel has accepted two offers to purchase the lots in amounts higher than anticipated.

MOTION:

Jim moved and Paris seconded a motion to reduce the amount of CPA funds requested from \$125,000 to \$60,000. Voted unanimously.

Approve any minutes

MOTION:

Paris moved and Mary seconded a motion to approve the minutes of March 14, 2013.

Voted 4-0-1 (Marilyn abstained because she was absent from that meeting.)

MOTION:

Marilyn moved and Mary seconded a motion to approve the minutes of March 14, 2013 as amended.

Voted 5-0

Grant Agreements Update

Mary explained that there had been some delays in finding a date to meet with Dave Ziomek to discuss grant agreements, however this meeting might be possible on June 18, 2013. Mary asked Dave to give a summary of the Town Manager's concerns regarding CPAC's desire for grant agreements to clarify deadlines and reporting expectations of CPA fund recipients. Dave said he hasn't yet had time to look at the unexpended funds, to look at what other communities are doing, etc. John Musante has expressed concern about the CPAC having any kind of binding contract with entities receiving funds. Peter asked if Dave considered grant agreements as contractual agreements. Dave expressed concern about whether the Town or CPAC could pull funding from an outside organization.

Mary clarified that the main issue is dealing with the backlog of incomplete projects tying up approximately \$400,000 in unspent funds thus preventing this money from being spent on current and future worthy projects. She said the purpose of a grant agreement is to communicate with applicants and recipients about what the expectations are especially regarding deadlines. Marilyn was reluctant to get into any formal agreement; she preferred advisory statements in the guidelines such as a strong recommendation when money is awarded that the money should be spent in one to two years, otherwise an explanation should be given. Jim noted that other towns are putting time limits and said that if the time limit has passed the money should come back. Dave said there

might be a way in the application to ask the requesting organization to explain any unspent funds from previous projects. Reporting expectations could also be put in the application. Dave explained how the backlog in historic preservation projects happened and said we need to get out from under that. Peter urged that we create some kind of memorandum of understanding or provide language to Town staff that would be amenable to everyone so that we do clarify what our expectations are.

Discussion and vote on Article 42 Affordability Restriction Echo Village Apartments

TracyLee Boutilier explained the situation at Echo Village Apartments and requested CPAC support in maintaining the 24 units in the building as affordable units. Marilyn explained that CPAC does not have the \$300,000 in funds requested. TracyLee asked that bonding be considered. Jim said we clearly have the capability of bonding the \$375,000 that equals 15% of the purchase price. He said if we aren't ready at this point to approve bonding that we should support Article 42 now and consider bonding in the fall.

Marilyn noted that some serious issues raised by the Finance Committee (FC) had not been addressed. Mary reported on a conversation with the FC Chair in which he indicated that these things take time, cooperation of Town staff, and FC might want to change their recommendation depending on what CPAC decides. The Select Board recently voted 3-1-1 to support this project because it would likely give us some relatively inexpensive countable affordable housing units that are quickly available. Mary said that preserving these units, as well as the Rolling Green units, is a moral question and also a practical one. It could be good for the Town because it would avoid Amherst falling below the 10% affordable housing threshold, which would allow a developer to override zoning under Chapter 40B. Jim stressed that the FC is waiting for CPAC to take action first. He said Article 42 would not force the Town to do anything and that eminent domain doesn't really come into play here, but it is a tool that could be used, even with a friendly owner, to clear the title.

Peter said he is strongly in favor of affordable housing but didn't want to specify an amount at this point. He felt the lead should be taken by the Housing and Sheltering Committee, the Amherst Housing Authority, or an entity that preserves and handles financing for housing. Vince O'Connor commented that CPA funds would not be borrowed until the Select Board comes to an agreement with the present owner. He said allocation of CPA funds is the main way a municipality can show commitment to grant-awarding organizations. Peter said the timing is premature and likely to take 18 to 24 months to develop a plan; we could commit to a number at that time. In response to Marilyn's question about urgency, TracyLee said 12-15 families have received eviction notices and the owner is continuing to issue more notices. She felt the passage of Article 42 could slow the eviction process down while negotiating takes place. She has spoken with other agencies about funding and was told a commitment from CPAC would help initiate further funding from them.

Jim said he hopes we can support article 42 now perhaps with a promise of CPA money in the Fall. He felt specifying a number at this point would not be a problem because it could be amended in the future. That way Town Meeting members could be assured where the funds would come from.

Dave said the Town has had a positive first meeting with the Echo Village owner and things have been set in motion. Dave said he's never known CPAC to vote funding when there wasn't a willing seller. He also said we didn't have a public hearing on this proposal. Peter said he asked Rita Farrell whether application for a Category 4 low-income housing tax-credit would be dependent on CPA funding and she said no. He said he could support a strong statement saying this is the kind of project CPAC likes to fund and we would anticipate recommending to Fall Town Meeting an amount that seems appropriate once it has been vetted; then we could work with Mass Housing on specific amounts. A tenant from Butternut Farm described some of the difficulties low-income tenants face. Jim said it is crucial that the Town say loudly and clearly that we're going to do

everything in our power to save these units in a way that ensures these families don't lose their homes. He said we could approve money, or at least support Article 42. Marilyn said we could indicate that we support the intent of Article 42 and that it will be a high priority in the fall when we review proposals for funding; she is not willing to commit an amount at this time. Paris felt it is premature to fund \$300,000 now. Peter said he is happy to stand up and say he will deliver on \$300,000 in the fall. He said this is a great opportunity but it needs to be done in an organized fashion with a well thought-out plan. We discussed wording of a CPAC motion to be read at Town Meeting by Peter.

MOTION:

Mary moved and Marilyn seconded a motion stating, "We urge Town Meeting to support Article 42 tonight and strongly encourage Town staff and committees to work diligently on this project. We look forward to recommending funding up to \$400,000 in the fall."

Voted unanimously. Mary said she would deliver the motion to the Finance Committee currently meeting.

Topics the Chair did not reasonably anticipate 48 hours before the meeting.

Jack Hirsch and Barbara Ford spoke briefly about the situation for Article 43 concerning "the Retreat" in North Amherst. Depending on the outcome at Town Meeting they may request funds in the fall.

ADJOURNMENT

A motion was made to adjourn at 6:45 pm. Voted unanimously.

DOCUMENTS DISTRIBUTED

- Agenda, 1 page
- Proposal Request from Echo Village Tenants' Organization, April 17, 2013, 3 pages
- Draft Minutes, March 14, 2013, 3 pages
- Draft Minutes, March 28, 2013, 5 pages

Respectfully submitted by Mary Streeter, acting clerk

Approved November 21, 2013